

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

SHANNON GRAHAM,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 4:05CV00365 AGF
	)	
ORTHO-MCNEIL PHARMACEUTICAL,	)	
INC., et al.,	)	
	)	
Defendants.	)	

**ORDER**

This matter is before the Court on Motion for Extension of Time to Finalize Settlement Documents [Doc. #77], filed by Defendants/Counter-claimants Ortho-McNeil Pharmaceutical Inc. and Johnson & Johnson (collectively, "Ortho") on March 2, 2007. Having been advised that the parties had reached a settlement agreement regarding the outstanding counterclaim in this matter, this Court, by Order dated January 31, 2007, vacated the prior trial setting, directed the parties to complete their agreed settlement and file their dismissal documents by March 2, 2007, and rescheduled the trial on the counterclaim for March 12, 2007, in the event the parties were unable to complete the settlement. [Doc. #75]. In their motion for an extension of time, filed on the due date, Defendants represented that a settlement had been reached, and that a settlement document had been forwarded to Plaintiff's counsel on February 7, 2007, but that the document had not been returned nor had modifications been requested. As a result, this Court held a telephone conference with counsel on March 5, 2007.

Following the conference call with counsel, this Court finds that there does not appear to be good cause for the failure to comply with this Court's Order of January 31, 2007. Further, the Court finds that it would not be in the interests of justice or judicial economy to extend the deadline for finalizing the settlement documents to a date as late as March 9, 2007, in light of the current jury trial setting of March 12, 2007.

Accordingly,

**IT IS HEREBY ORDERED** that Ortho's Motion for Extension of Time to Finalize Settlement Documents [Doc. #77] is **Granted in part and Denied in part**, as follows:

a. The parties shall be given until **Wednesday, March 7, 2007, at 3:00 p.m.**, to complete their settlement agreement. In the event the parties are unable to complete their settlement by this time, the Court shall hold a conference on the status of the case and the settlement on **Wednesday, March 7, 2007, at 3:00 p.m.** Plaintiff Shannon Graham shall attend this conference in person, and a representative of Ortho shall also attend in person or be available by telephone.

b. In the event the Court is advised, prior to the time of the March 7, 2007 status conference, that the parties have executed a signed settlement agreement, together with any other documents that require signature by the parties, then the status conference shall be cancelled.

  
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AUDREY G. FLEISSIG  
UNITED STATES MAGISTRATE JUDGE

Dated this 5th day of March, 2007.